

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD
INTERCHANGE FEE AND
MERCHANT DISCOUNT
ANTITRUST LITIGATION**

No. 05-md-01720 (MKB)(JO)

This Document Applies to:

All Actions.

STIPULATION AND [PROPOSED] ORDER MODIFYING CASE SCHEDULE

WHEREAS, the undersigned parties have been actively engaging in discovery and worked cooperatively to schedule depositions in advance of the deadline for fact discovery;

WHEREAS, on April 18, June 4, and July 19, 2018, the Court ordered extensions of the deadline to complete non-party and certain party depositions, and the undersigned parties have worked cooperatively to schedule and conduct those depositions;

WHEREAS, the undersigned plaintiffs and defendants seek limited additional time to complete the specific depositions below and have agreed to modify the case schedule accordingly for the limited purpose of conducting these specific depositions;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1. The deadline for completing the specific depositions enumerated in Appendix A shall be extended to September 21, 2018 (with the exceptions noted in Appendix A). The parties

reserve their rights to seek leave of court to complete any additional third party depositions not enumerated in Appendix A. The inclusion of a deposition in Appendix A does not indicate the parties' assent to that deposition, and the parties preserve all objections to any such deposition.

2. All other case deadlines ordered by the Court shall remain unchanged, and no party may use this stipulation and extension of time as a basis to extend any other case deadline.¹

Dated: August 17, 2018

CONSTANTINE CANNON LLP

By: /s/ Owen Glist

Jeffrey I. Shinder

Owen Glist

Taline Sahakian

David A. Scupp

335 Madison Avenue, 9th Floor

New York, NY 10017

(212) 350-2700

oglist@constantinecannon.com

Attorneys for 7-Eleven Plaintiffs

VORYS, SATER, SEYMOUR & PEASE LLP

By: /s/ Kimberly Herlihy

James A. Wilson

Kimberly Weber Herlihy

Alycia N. Broz

52 East Gay Street

Columbus, Ohio 43216-1008

(614) 464-6400

jawilson@vorys.com

Attorneys for Target Plaintiffs

¹ For the avoidance of doubt, this stipulation does not affect the case deadlines listed in the stipulations that appear at ECF Nos. 7162, 7195, 7233, 7235, and 7236.

QUINN EMANUEL URQUHART &
SULLIVAN LLP

By: /s/ Steig Olson

Stephen R. Neuwirth
Steig D. Olson
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7100
steigolson@quinnemanuel.com

Alicia Cobb
600 University Street, Suite 2800
Seattle, Washington 98101
(206) 905-7000

Attorneys for The Home Depot Plaintiffs

GRANT & EISENHOFER

By: /s/ Deborah Elman

Robert G. Eisler
Deborah A. Elman
485 Lexington Avenue, 29th Floor
New York, NY 10017
(646) 772-8500
reisler@gelaw.com

HILLIARD & SHADOWEN LLP

Steve D. Shadowen
2407 S. Congress Ste E 122
Austin, TX 78704
(855) 344-3298
steve@hilliardshadowenlaw.com

FREED KANNER LONDON & MILLEN LLC

Michael J. Freed
Robert J. Wozniak
2201 Waukegan Road, Suite 130
Bannockburn, IL 60015
(224) 632-4500
mfreed@fkmlaw.com

NUSSBAUM LAW GROUP, P.C.

Linda P. Nussbaum
Bart D. Cohen
1211 Avenue of the Americas, 40th Floor
New York, NY 10036
(917) 438-9102
lnussbaum@nussbaumpc.com

Attorneys for (b)(2) Plaintiffs

HOLWELL SHUSTER & GOLDBERG LLP

By: /s/ Blair E. Kaminsky

Michael S. Shuster
Demian A. Ordway
Blair E. Kaminsky
425 Lexington Avenue
New York, NY 10017
(646) 837-5151
mshuster@hsgllp.com
dordway@hsgllp.com
bkaminsky@hsgllp.com

ARNOLD & PORTER KAYE SCHOLER LLP

Robert C. Mason
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000
robert.mason@arnoldporter.com

Robert J. Vizas
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111-4024
bob.vizas@arnoldporter.com

Mark R. Merley
Matthew A. Eisenstein
601 Massachusetts Avenue, NW
Washington, DC 20001-3743
mark.merley@arnoldporter.com
matthew.eisenstein@arnoldporter.com

Attorneys for Visa Defendants

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

By: /s/ Gary R. Carney

Gary R. Carney
1285 Avenue of the Americas
New York, NY 10019-6064
(212) 373-3051
gcarney@paulweiss.com

Kenneth A. Gallo
Donna Ioffredo
2001 K Street, NW
Washington, DC 20006-1047
kgallo@paulweiss.com
dioffredo@paulweiss.com

Attorneys for Mastercard Defendants

MORRISON & FOERSTER LLP

By: /s/ Mark P. Ladner

Mark P. Ladner
Michael B. Miller
1290 Avenue of the Americas
New York, NY 10104-0050
(212) 468-8000
mladner@mofo.com
mbmiller@mofo.com

Attorneys for Bank of America Defendants

SHEARMAN & STERLING LLP

By: /s/ James Tallon

James Tallon
599 Lexington Avenue
New York, NY 10022
(212) 848-4000
jtallon@shearman.com

Attorneys for Barclays Defendants

O'MELVENY & MYERS LLP

By: /s/ Abby F. Rudzin

Abby F. Rudzin

Andrew J. Frackman

Times Square Tower

7 Times Square

New York, NY 10036

(212) 326-2000

arudzin@omm.com

afrackman@omm.com

Attorneys for Capital One Defendants

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

By: /s/ Peter E. Greene

Peter E. Greene

Boris Bershteyn

Four Times Square

New York, NY 10036

(212) 735-3000

peter.greene@skadden.com

boris.bershteyn@skadden.com

Attorneys for JP Morgan Chase Defendants

SIDLEY AUSTIN LLP

By: /s/ David F. Graham

David F. Graham

One South Dearborn Street

Chicago, IL 60603

(312) 853-7000

dgraham@sidley.com

Benjamin R. Nagin

787 Seventh Avenue

New York, NY 10019

bnagin@sidley.com

Attorneys for Citi Defendants

KEATING MUETHING & KLEKAMP PLL

By: /s/ Richard L. Creighton, Jr.

Richard L. Creighton, Jr.

Drew M. Hicks

One East Fourth Street, Suite 1400

Cincinnati, OH 45202

(513) 579-6400

rcreighton@kmlaw.com

dhicks@kmlaw.com

Attorneys for Fifth Third Defendants

KUTAK ROCK LLP

By: /s/ James M. Sulentic

John P. Passarelli

James M. Sulentic

The Omaha Building

1650 Farnam Street

Omaha, NE 68102

(402) 346-6000

john.passarelli@kutakrock.com

james.sulentic@kutakrock.com

*Attorneys for First National Bank of Omaha
Defendants*

WILMER CUTLER PICKERING HALE AND
DORR LLP

By: /s/ David S. Lesser

David S. Lesser

7 World Trade Center

250 Greenwich Street

New York, NY 10007

(212) 230-8851

david.less@wilmerhale.com

Attorneys for HSBC Defendants

REED SMITH LLP

By: /s/ Frederick N. Egler

Frederick N. Egler

Reed Smith Centre
225 Fifth Avenue
Pittsburgh, PA 15222
(412) 288-3396
fegler@reedsmith.com

Attorneys for PNC Defendants

ALSTON & BIRD LLP

By: /s/ Kara F. Kennedy

Teresa T. Bonder

Valarie C. Williams

Kara F. Kennedy

One Atlantic Center
1201 West Peachtree Street, NW
Atlanta, GA 30309
(404) 881-7000
teresa.bonder@alston.com
valarie.williams@alston.com
kara.kennedy@alston.com

Attorneys for SunTrust Defendants

PULLMAN & COMLEY, LLC

By: /s/ Jonathan B. Orleans

Jonathan B. Orleans

Adam S. Mocchiolo

850 Main Street
Bridgeport, CT 06601
Pittsburgh, PA 15222
(203) 330-2000
jborleans@pullcom.com
amocchiolo@pullcom.com

Attorneys for Texas Independent Bancshares

PATTERSON BELKNAP WEBB &
TYLER LLP

By: /s/ Robert P. LoBue

Robert P. LoBue
William F. Cavanaugh
1133 Avenue of the Americas
New York, NY 10036
(212) 336-2000
rplobue@pbwt.com
wfcavanaugh@pbwt.com

Attorneys for Wells Fargo Defendants

SO ORDERED:

Dated:

Brooklyn, New York

United States District Judge

Appendix A

Depositions of Plaintiffs

1. Peter Wilander (Amtrak) (scheduled for August 31)
2. Nicole Fales of Gulf (after maternity leave – after September 21)
3. Tate Fenner (Foot Locker) (proposed August 23)
4. Paul Smith (former Speedway) (scheduled for August 31)
5. Brad Mayer (former Speedway) (TBD)
6. James McEowen (Marathon) (scheduled for September 6)
7. Craig Weigand (Marathon) (TBD – after September 21)
8. Petco 30(b)(6) – (proposed August 30)

Depositions of Non-Parties

1. Aldi
2. American Express (scheduled for September 17)
3. Tender Greens (scheduled for August 31)
4. Drybar (by September 14)
5. United Airlines (by September 14)